

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

BOARD OF TRUSTEES OF THE LOCAL 285/  
LOCAL 851 – I.B.T. EMPLOYER GROUP  
PENSION TRUST FUND,Plaintiff(s),  
-against-AFFIDAVIT OF SERVICE  
08 CV 6611

EMPIRE FREIGHT SYSTEMS CORP.,

Defendant(s).

X

STATE OF NEW YORK )  
S.S.:  
COUNTY OF ALBANY )

DEBORAH LaPOINTE, being duly sworn, deposes and says that she is over the age of eighteen years, is employed by the attorney service, D.L.S., INC., and is not a party to this action.

That on the 7<sup>TH</sup> day of August, 2008, at approximately the time of 1:00P.M., at the office of the Secretary of State, of the State of New York in the City of Albany, New York, deponent served the SUMMONS AND COMPLAINT AND INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE MAAS AND INDIVIDUAL PRACTICES OF JUDGE GEORGE B. DANIELS AND ELECTRONIC CASE FILING RULES AND INSTRUCTIONS upon EMPIRE FREIGHT SYSTEMS CORP., the defendant in this action, by delivering to and leaving with CHAD MATICE an agent of the Secretary of State, of the State of New York, two (2) true copies thereof and at that time of making such service deponent paid said Secretary of State a fee of forty dollars. That said service was made pursuant to Section, 306 Business Corporation Law.

Deponent further says that she knew the person so served as aforesaid to be the individual in the Office of the Secretary of State of New York, duly authorized to accept such service on behalf of said defendant.

CHAD MATICE is a white male, approximately 25 years of age, stands approximately 5 feet 10 inches tall, weighs approximately 185 pounds with brown hair and wears glasses.

DEBORAH LaPOINTE  
Sworn to before me this  
7<sup>TH</sup> day of August, 2008

NOTARY PUBLIC

Frank J. Panucci  
Notary Public-State of NY  
Qualified in Albany Co.  
No. 4721156  
Comm. Expires July 21, 2010

UNITED STATES DISTRICT COURT

Southern

District of

New York

BOARD OF TRUSTEES OF THE LOCAL 295/  
LOCAL 851 - I.B.T. EMPLOYER GROUP  
PENSION TRUST FUND  
V.  
EMPIRE FREIGHT SYSTEMS CORP.

SUMMONS IN A CIVIL ACTION

08 CV 6611  
CASE NUMBER:

JUDGE DANIELS

TO: (Name and address of Defendant)

Empire Freight Systems Corp.  
147-20 184th Street  
Jamaica, NY 11434

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Amy F. Shulman, Esq.  
Cary Kane LLP  
1350 Broadway, Suite 815  
New York, NY 10018

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

JUL 23 2008

J. MICHAEL McMAHON

CLERK

DATE

*Catherine Dapping*

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

## RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER (PRINT)	TITLE

*Check one box below to indicate appropriate method of service*

Served personally upon the defendant. Place where served:

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

Returned unexecuted:

Other (specify):

## STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_ Date \_\_\_\_\_ Signature of Server \_\_\_\_\_

Address of Server \_\_\_\_\_

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

